

REMARKS

The Office Action mailed September 4, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-23 are now pending in this application. Claims 1-4, 6-9, and 11-14 stand rejected. Claims 16-23 are withdrawn from consideration.

Claims 5, 10 and 15, are objected to.

The specification is amended as indicated to correct typographical errors.

The rejection of claim 13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and claim the subject matter of the invention is respectfully traversed.

Claim 13 has been amended to recite side surfaces comprising one and the other of the adjacent channels recited in base claim 11, thereby specifically pointing out the claimed subject matter. Accordingly, Applicants respectfully request that the Section 112 rejections of Claim 13 be withdrawn.

The rejection of Claims 1-4, 6-9, and 11-14 under 35 U.S.C. § 102(b) as being anticipated by Kordes (U.S. Patent No. 4,134,626) is respectfully traversed.

Kordes describes a door (10) for a refrigerator. Door (10) has an outer door face (12) with an outer wall (14), side walls (16), and a rim (18). Rim (18) extends inwardly from side walls (16) in spaced relation thereto, terminating at an inner edge (20) that defines an opening or chamber (26) in face (12). A drum (22) is disposed over the opening (26). An outer periphery (24) of drum (22) is positioned adjacent to, but spaced apart from, opposing portions of rim (18). A retainer (30) is slipped over the edge (20) of rim (18). Retainer (30) is substantially S-shaped and includes two oppositely opening portions (32) and (34). A temporary spacer (36) is inserted between rim (18) and opposing portions of retainer (30). Spacer (36) is removed after chamber (26) is filled with an insulating material (28) (col. 3,

line 66 – col. 4, line 8). Notably, in Kordes, the retainer has no retaining tongue, nor is there an engagement portion received in a retaining tongue. Applicants respectfully traverse the assertion in the presently pending Office Action that spacer (36) is an engagement portion. The spacer is not a part of the retainer, or the case, or the drum and is removed and discarded after the insulating material is added.

Applicants respectfully submit that the pending claims are patentably distinguishable over Kordes. Claim 1 recites a refrigeration appliance cabinet including “a bottom mullion, said bottom mullion comprising a pair of adjacent channels and an engagement portion proximate a base portion of an adjacent one of said pair of adjacent channels; and a casing, one of said bottom mullion engagement portion and said casing comprising a retaining tongue and the other of said bottom mullion engagement portion and said casing comprising an engagement surface for being received in said tongue.”

Kordes does not describe or suggest a bottom mullion that includes a pair of adjacent channels and an engagement portion proximate a base portion of an adjacent one of the pair of adjacent channels, and a casing wherein one of the bottom mullion engagement portion and the casing includes a retaining tongue and the other of the bottom mullion engagement portion and the casing includes an engagement surface for being received in the tongue.

→ Specifically, Kordes does not describe or suggest an engagement portion proximate a base portion of an adjacent one of the pair of adjacent channels. Rather, Kordes describes an S-shaped retainer for coupling a door face to a drum. Kordes has no engagement portion adjacent a base portion of a channel, nor does Kordes describe a retaining tongue. For the reasons set forth above, Claim 1 is submitted to be patentable over Kordes.

Claims 2-4 depend from independent Claim 1. When the recitations of Claims 2-4 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-4 likewise are patentable over Kordes.

Claim 6 recites a refrigerator cabinet including “a bottom mullion, said bottom mullion comprising a pair of adjacent channels and an engagement portion; and a casing in press fit engagement with said bottom mullion engagement portion.”

Kordes does not describe or suggest a refrigerator cabinet including a bottom mullion, including a pair of adjacent channels and an engagement portion, and a casing in press fit engagement with the bottom mullion engagement portion. Specifically, Kordes does not describe or suggest a casing in press fit engagement with the bottom mullion engagement portion. Rather, Kordes describes an S-shaped retainer for coupling a door face to a drum. Spacer (36) is removed after the application of the insulating material. When the spacer is removed, it is clear from the figures that there is no press fit engagement between the casing (12) and any other component. For the reasons set forth above, Claim 6 is submitted to be patentable over Kordes.

Claims 7-9 depend from independent Claim 6. When the recitations of Claims 7-9 are considered in combination with the recitations of Claim 6, Applicants submit that dependent Claims 7-9 likewise are patentable over Kordes.

Claim 11 recites a refrigerator cabinet including “a casing; an inner liner within said casing, said inner liner comprising at least one refrigeration compartment; and a bottom mullion, said bottom mullion comprising a pair of adjacent channels, said bottom mullion configured to receive a portion of said inner liner, said casing configured to receive a portion of said bottom mullion with press fit engagement”.

Kordes does not describe or suggest a refrigerator cabinet including a casing, an inner liner within the casing, the inner liner including at least one refrigeration compartment, and a bottom mullion, wherein the bottom mullion includes a pair of adjacent channels, and the bottom mullion is configured to receive a portion of the inner liner, and wherein the casing is configured to receive a portion of the bottom mullion with press fit engagement. Specifically, Kordes does not describe or suggest a casing configured to receive a portion of the bottom mullion with press fit engagement. Rather, Kordes merely describes an S-shaped

retainer for coupling a door face to a drum. Nothing is indicated as being configured to receive an element in press fit engagement as Claim 11 recites. For the reasons set forth above, Claim 11 is submitted to be patentable over Kordes.

Claims 12-14 depend from independent Claim 11. When the recitations of Claims 12-14 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 12-14 likewise are patentable over Kordes.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-4, 6-9, and 11-14 be withdrawn.

The objection to Claims 5, 10, and 15 is respectfully traversed.

Applicants thank the Examiner for the indication of allowable subject matter in dependent Claims 5, 10, and 15. Applicants submit, however, that the respective base claims of Claims 5, 10, and 15 are patentable over the cited art for the reasons set forth above, and that Claims 5, 10, and 15 are likewise patentable.

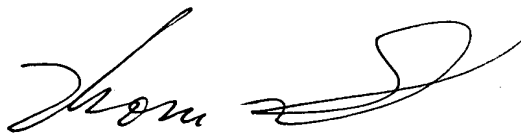
Accordingly, Applicants respectfully request that the objection to Claims 5, 10, and 15 be withdrawn.

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In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Thomas M. Fisher', written over a horizontal line.

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